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June 6, 2001

DEPT. OF TRANSPORTATION
DOCKETS

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Federal Aviation Administration
Rules Docket (AGC-10)
800 Independence Avenue, SW
Washington, DC 20591

FAA-01-8786-2

RE: Exemption No. 6921, Regulatory Docket No. 29492

On July 15, 1999 Lynden Air Cargo was granted an exemption from 14 CFR 121 § 121.344 to the extent necessary to permit Lynden to operate its four Lockheed Martin 382G Hercules aircraft (Registration Nos. N401LC, N402LC, N403LC and N404LC; Serial Nos. 4606, 4698, 4590, and 4763, respectively) under part 121 without an approved digital flight data recorder. The exemption was granted for two years until July 15, 2001 unless sooner superseded or rescinded, or until the affected aircraft were included in § 121.344(l)(2).

In Lynden's exemption request, inclusion in § 121.344(l)(2) granting a permanent exemption under the rule was requested. As stated in the exemption approval (see enclosed), "...the FAA finds that if LAC had presented its arguments when the DFDR rule was proposed, the FAA would have considered excepting the L382G aircraft from that rule." As of the filing date of this letter, the issue of inclusion of the L382G for permanent exemption is yet to be resolved.

The circumstances justifying the initial exemption request are unchanged and all the same conditions apply. Lynden requests that a second two-year extension of its original exemption be granted while the FAA considers the issue of inclusion of the L382G in the exemptions paragraph of § 121.344.

Respectfully submitted,

For

A handwritten signature in black ink, appearing to be 'JG Schneider', written over a horizontal line.

James G. Schneider

Lynden Air Cargo

Quality Control Division

Enc.: FAA letter dated July 15, 1999



U.S. Department
of Transportation

Federal Aviation
Administration

800 Independence Ave. SW
Washington, D.C. 20591

JUL 15 1999

Exemption No. 6921
Regulatory Docket No. 29492

Mr. James G. Schneider
Quality Control Division
Lynden Air Cargo
6441 South Airpark Place
Anchorage, AK 99502-0641

Dear Mr. Schneider:

By undated letter you petitioned the Federal Aviation Administration (FAA) on behalf of Lynden Air Cargo (LAC) for an exemption from § 121.344 of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to permit LAC to operate its four Lockheed Martin 382G Hercules (L382G) aircraft (Registration Nos. N401LC, N402LC, N403LC, and N404LC; Serial Nos. 4606, 4698, 4590, and 4763, respectively) under part 121 without an approved digital flight data recorder (DFDR).

A summary of the petition was published in the Federal Register on April 21, 1999 (64 FR 19578). No comments were received.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6712 (copy enclosed), ERA Helicopters, Inc. (ERA), petitioned for an exemption from 14 CFR § 135.152(a) to operate three Sikorsky Model S-61N (S-61) helicopters under part 135 without those helicopters being equipped with an approved DFDR. In that exemption, the FAA noted that operators were given the opportunity to request that an aircraft be excepted from the flight data recorder requirements. Operators were requested to inform the FAA of the affected models and indicate the reason why the aircraft should be excepted. The FAA stated the material submitted by ERA in its exemption request would support excepting the S-61 helicopter from the DFDR requirements and that ERA's proposed exemption would provide a level of safety equivalent to that provided by the regulation. Also, the FAA found that the petitioner had shown a need for the use of its helicopters until a full exception to the rule could be accomplished and that a grant of exemption would be in the public interest. Therefore, the FAA granted relief to ERA for a limited period of time until the FAA could consider amending § 135.152(k) to include the S-61 helicopter as an excepted aircraft.

AFS-99-220-E

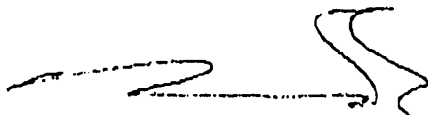
Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by ERA in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present. Specifically, the FAA finds that if LAC had presented its arguments when the DFDR rule was proposed, the FAA would have considered excepting the L382G aircraft from that rule.

Therefore, the FAA is granting LAC's exemption request for a limited period of time while it considers whether the L382G aircraft should be included in the exceptions paragraph of § 121.344. However, if during these considerations the FAA finds that the information provided does not fully support inclusion, this exemption will be terminated with 30 days notice and the aircraft will be considered subject to the requirements of § 121.344.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Lynden Air Cargo is granted an exemption from 14 CFR § 121.344 to the extent necessary to operate its four L382G Hercules aircraft (Registration Nos. N401LC, N402LC, N403LC, and N404LC; Serial Nos. 4606, 4698, 4590, and 4763, respectively) under part 121 without an approved DFDR.

This exemption terminates on **JUL 15 2001**, unless sooner superseded or rescinded, or until the affected aircraft is included in § 121.344(1)(2).

Sincerely,



L. Nicholas Macey
Director, Flight Standards Service

Enclosure